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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,724	07/15/2004	Ludwig Bar	2001P22564WOUS	4377

7590

10/27/2006

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

AURORA, REENA

ART UNIT	PAPER NUMBER
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2862

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,724

Applicant(s)

BAR ET AL.

Examiner

Reena Aurora

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 - 21 and 23 - 30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 13 - 21 and 23 - 30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to amendment received on 08/10/06.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 23 – 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Sutton, Jr. et al. (5,389,876).

As to claims 23 - 25, Sutton discloses an eddy current device comprising an eddy current probe array comprising a flexible base (32); a first electrical component (26) connected to the flexible base (32); a second electrical component (28) connected to the flexible base (32); and a rear layer (36) comprising a flexible curable material encapsulating ferrite particles, the rear layer attached to at least one of the electrical components (26, 28) on a curved surface of the rear layer to match a curved surface of a test body (18); wherein the flexible base, the first and second electrical components, and the rear layer collectively form an assembled stack that is flexible after curing of the curable material to variably conform to a curved surface of a test body (Note fig. 2 and col. 4, line 50 – col. 5, line 9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 – 21 and 26 - 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton, Jr. et al. (5,389,876).

As to claims 13 – 15, 17 – 19, 21 and 27, Sutton, Jr. et al. (hereinafter Sutton) discloses an eddy current device comprising a flexible base (32, fig. 2); a first electrical component (26) connected to the flexible base (32); a second electrical component (28) connected to the flexible base (30) and a flexible rear layer (36) comprising a ferromagnetic material that at least partially covers the first (26) and second (28) electrical components; wherein the flexible base, the first (12) and second (14) electrical components and the flexible rear layer (36) are assembled in a stack that is sufficiently flexible (col. 4, line 50 – col. 5, line 9). Sutton fails to explicitly disclose that the flexible base can variably conform to a radius of curvature down to 50 mm on a surface of a test body. However, since Sutton discloses that the flexible base can variably conform on to a surface of a test body. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device of Sutton to conform the flexible base to a radius of curvature down to 50 mm on a surface of a test body based on the structure of the test body by providing close fitting complement to the

surface of the test body resulting in intensified magnetic flux penetration into the test body (Note MPEP2144.04 V D).

As to claim 28, Sutton discloses an eddy current device comprising a flexible base layer (32) comprising a front surface and a rear surface, the front surface exposed for contact with a test surface of a test body (18); a first electrical coil (26) mounted on the rear surface of the flexible base layer (32); a flexible rear layer (36) comprising a ferrite material at least partially covering the first electrical coil (26); and the flexible base layer (32), the first electrical coil (26) and the flexible rear layer (36) forming an assembled stack sufficiently flexible that the front surface of the base layer can variably conform to a radius of curvature of a test surface (18) (col. 4, line 50 – col. 5, line 9). However, since Sutton discloses that the flexible base can variably conform on to a surface of a test body. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device of Sutton to conform the flexible base to a radius of curvature down to 50 mm on a surface of a test body based on the structure of the test body by providing close fitting complement to the surface of the test body resulting in intensified magnetic flux penetration into the test body (Note MPEP2144.04 V D).

As to claims 16 and 26, Sutton discloses at least one coil (26) is connected to the flexible base (32) as an electrical component and is a copper coil.

As to claim 20, Sutton discloses that the device has at least one coil (26) as an electrical component, that is arranged in a planer manner on the flexible base (36).

As to claim 29, Sutton discloses a second electrical coil (28) mounted on the rear surface of the flexible base layer (32) surrounding the first electrical coil (26).

As to claim 30, Sutton discloses at least one electrical conductor (40) connected to the first electrical coil (26) and passing through the flexible rear layer (36).

Response to Arguments

Applicant's arguments with respect to claims 13 – 21 and 23 - 30 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reena Aurora whose telephone number is 571-272-2263. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, E. Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Reena Aurora


REENA AURORA
PRIMARY EXAMINER
TECHNOLOGY CENTER 2800